

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL TELEMARIAM HAGOS ,

Plaintiff,

v.

SEATTLE POICE DEPARTMENT, et al. ,

Defendant.

CASE NO. 2:22-cv-00931-LK-BAT

**ORDER DIRECTING PLAINTIFF  
TO AMEND COMPLAINT**

Plaintiff filed a *pro se* 42 U.S.C § 1983 complaint against the Seattle Police Department, and Jose Jimenez, Gerado Moreno, Eric Dill, Matthew Newson and Officer Nolasco Giovanni. Dkt. 5. The complaint fails to set forth sufficient facts to establish a claim upon which relief may be granted. The Court thus directs Plaintiff to file an amended complaint by July 27, 2022. The failure to file a complaint that sets forth sufficient facts to establish a claim will result in a recommendation the case be dismissed.

The complaint alleges on January 25, 2021 Seattle Police Office Giovanni Nolasco handcuffed Plaintiff in front of a Bartell Drug Store, and Plaintiff did not indicate he understood his rights. Plaintiff alleges "the police fabricated probable cause" thereby violating Plaintiff's constitutional rights. As relief Plaintiff seeks \$9,000,000 in damages.

1 To state a § 1983 claim, Plaintiff must establish: (1) his federal constitutional or statutory  
2 rights were violated, and (2) the violation was proximately caused by a person acting under color  
3 of state law. *See Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). Plaintiff must allege  
4 facts showing how individually named defendants caused the harm alleged in the complaint. *See*  
5 *Leer v. Murphy*, 844 F.2d 628, 633 (9th Cir. 1988); *Arnold v. IBM*, 637 F.2d 1350, 1355 (9th Cir.  
6 1981). Conclusory allegations against an official are insufficient to state a claim for relief. *Leer*,  
7 844 F.2d at 633. Further, a § 1983 suit cannot be based on vicarious liability alone but must allege  
8 the defendant's own conduct violated the plaintiff's civil rights. *City of Canton v. Harris*, 489 U.S.  
9 378, 385-90 (1989).

10 The complaint is deficient because it makes the conclusory allegation Officer Nolasco  
11 arrested Plaintiff without probable cause. There are no facts to support this. The complaint is  
12 deficient because it does not establish who the other Defendants are. There are no facts showing  
13 they are (1) state actors and (2) no facts setting forth what they did that harmed Plaintiff.

14 Accordingly, the Court directs Plaintiff to file an amended complaint to cure these  
15 deficiencies by July 27, 2022. The failure to cure these deficiencies by this date will result in a  
16 recommendation the case be dismissed.

17 The clerk shall provide a copy of this order to Plaintiff.

18 DATED this 13<sup>th</sup> day of July, 2022.

19  
20   
21 \_\_\_\_\_  
22 BRIAN A. TSUCHIDA  
23 United States Magistrate Judge